

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FLORENCE DANGELO,

Plaintiff,

vs.

HARTFORD CASUALTY INS. CO., et al.,

Defendants.

Case No. 2:12-cv-00586-MMD-PAL

ORDER

This matter is before the court on Defendant Hartford Casualty Insurance Company's ("Hartford") Response (Dkt. #21) to the court's September 24, 2012, Order to Show Cause (Dkt. #19). The court has considered the Response.

On August 9, 2012, the court entered an Order (Dkt. #18) granting Plaintiff Florence Dangelo's ("Dangelo") former counsel's Motion to Withdraw as Attorney (Dkt. #17). The court directed Ms. Dangelo to either retain new counsel or file a notice that she would proceed pro se no later than September 7, 2012. Ms. Dangelo did not comply or request an extension of time in which to do so. As a result, the court entered an Order to Show Cause on September 24, 2012, requiring Dangelo to show cause why sanctions should not be imposed for her failure to comply with the court's prior Order no later than October 5, 2012. On October 4, 2012, Defendant filed the instant Response, and Mr. David J. Martin filed a Notice of Appearance (Dkt. #22) on behalf of Plaintiff in compliance with the Order to Show Cause.

Hartford's Response to the Order to Show Cause is a motion to compel written discovery responses from Plaintiff. Hartford contends it served Dangelo's former counsel—Mr. Corey M. Eschweiler and Mr. Adam D. Smith—with interrogatories and requests for production of documents on June 6, 2012. Hartford's counsel allowed Dangelo two extensions of time to serve responses. On August 6, 2012, Mr. Eschweiler and Mr. Smith informed Hartford's counsel that they were no longer in

1 contact with Dangelo and would file the Motion to Withdraw. Hartford contends that it has not
2 received Dangelo's responses to its written discovery requests, and the court should dismiss Plaintiff's
3 Complaint as a sanction for disobeying the court's August 9, 2012, Order and for failing to comply with
4 her discovery obligations under Rule 37.

5 Plaintiff responded to the order to show cause and retained counsel who has now made an
6 appearance. The court will therefore deny Hartford's request for dismissal, but treat the response as a
7 motion to compel.

8 **IT IS ORDERED:**

- 9 1. Hartford's Response shall be construed as a motion to compel and for sanctions pursuant
10 to Rule 37 of the Federal Rules of Civil Procedure.
- 11 2. Dangelo shall file a response to Hartford's request for Rule 37 sanctions (Dkt. #21) no
12 later than **November 13, 2012**. Hartford may reply on or before **November 23, 2012**.
- 13 3. A hearing is set for **November 27, 2012 at 9:30 am. In Courtroom 3B.**

14 Dated this 25th day of October, 2012.

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17 PEGGY A. LEEN
18 UNITED STATES MAGISTRATE JUDGE
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